

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X		
JESSICA NICOLE REID,	:	
	:	
Plaintiff,	:	22-CV-10708 (JGLC) (OTW)
	:	
-against-	:	<b><u>ORDER</u></b>
	:	
LEONARD LARRY MCKELVEY, et al.,	:	
	:	
Defendants.	:	
	:	
-----X		

**ONA T. WANG, United States Magistrate Judge:**

Plaintiff brought this action *pro se*. While Defendants' motion to dismiss (ECF 14) was pending, Plaintiff retained counsel (*see* ECF 49) and requested additional time to respond to the motion to dismiss. (ECF 47). The Court granted Plaintiff's request and stayed briefing on Defendants' motion to dismiss and motion to stay discovery (ECF 39). (ECF 48). After Defendants did not consent to Plaintiff filing an amended complaint, Plaintiff filed her motion for leave to amend. (ECF 54). The question of whether to grant Plaintiff leave to amend is now fully briefed.

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, I conclude that it is in the interests of justice that Plaintiff be permitted to proceed with an operative complaint prepared with the assistance of counsel. Accordingly, Plaintiff's motion for leave to amend is **GRANTED**.

Plaintiff shall file an amended complaint **on or before Friday, September 8, 2023**. In the event Plaintiff does not file an amended complaint before this deadline, the Court will construe Plaintiff's motion for leave to file an amended complaint (ECF 54) as Plaintiff's response to Defendants' motion to dismiss (ECF 14).

In the event Plaintiff does file an amended complaint, Defendants must file a letter **on or before Friday, September 15** informing the Court whether they intend to file a new motion to dismiss or renew ECF 14 as their motion to dismiss Plaintiffs' amended complaint.

Because Plaintiff has retained counsel, her application for the Court to request pro bono counsel (ECF 38) is **DENIED AS MOOT**.

The Clerk of Court is respectfully directed to close ECF 38.

**SO ORDERED.**

Dated: September 6, 2023  
New York, New York

*s/ Ona T. Wang*  
**Ona T. Wang**  
United States Magistrate Judge